1-180095
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
CMA-CGM (AMERICA), INC.,

Plaintiff,

- against -

BABY TREND, INC.,

Defendant.

Judge Hellerstein

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IN ADMIRALTY

Plaintiff CMA-CGM (AMERICA), INC., by its attorneys, Laws.

OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its

Complaint against defendant BABY TREND, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

- This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Service Contract between the parties.
- At all times hereinafter mentioned, plaintiff CMA-CGM (AMERICA), INC. was and still is a corporation organized and existing under the laws of the State of New Jersey with offices and a place of business at 5801 Lake Wright Drive, Norfolk, VA 23502.
- Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
- 4. On or about the dates and at the ports of shipment stated in Schedule A, certain good were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.
- Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

6. Plaintiff has performed all acts required to be performed by plaintiff. Case 1:07-cv-07311-AKH Document 1 Filed 08/15/2007 Page 2 of 8 7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$2,952.00, although duly demanded.

By reason of the foregoing, plaintiff has sustained damages in the amount of \$2,952.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

- 1. For judgment in the amount of \$2,952.00, together with interest thereon, costs, disbursements and a reasonable attorney's fee.
- That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.
- That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York August 14, 2007

> LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES

By_

Albert

Attomeye for Plaintiff CMA-CGM (AMERICA), INC. 551 Fifth Avenue, Suite 1625

New York, NY 10176

(212) 696-1760

SCHEDULE A

I. <u>Defendant's status & address</u>:

A. Upon information and belief and at all times hereinafter mentioned, defendant BABY TREND, INC. was and still is a corporation organized and existing under the laws of the State of California, with offices and a place of business at 1567 S. Campus Avenue, Ontario, CA 91761.

II. Particulars:

 Bill of Lading No. SZ1046783, dated January 8, 2006, from Yantian to Long Beach on the Vessel MSC VALENCIA, one (1) forty-five foot Hi-Cube SAID TO CONTAIN: TREND NURSERY CENTR, at the applicable Collect Tariff and/or Service Contract rate of \$2,436.00 (Exhibit A).

Amount Paid: \$0 Amount Due: \$2,436.08

2. Bill of Lading No. SZ1252102, dated March 1, 2006, from Yantian to Long Beach on the Vessel CMA CGM VIVALDI, four (4) forty-foot Hi-Cubes SAID TO CONTAIN: DIAPER CHAMP, at the applicable Collect Tariff and/or Service Contract rate of \$8,905.00 (Exhibit B).

Amount Paid: \$8,649.00 Amount Due: \$256.00

Invoice No. NAIM0550057, dated November 17, 2006, demurrage totalling \$260.00 (Exhibit C).

Amount Paid: \$0 Amount Due: \$260.00

II. Total Amount Due: \$2,952.00

Case 1	:07-cv-07	311-AKH Docum		2007 Page	e 4 of 8			
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TEL 0755-2816-4254								
FAX:U755-2816-4916		The state of the s	COMMUNICATION APPLY NEED	comices a				
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PAYMENT QUESTIONS contact Collections at 1-838-268-3992 1

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